

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1, 4, and 8 are amended, and the amendment does not add new matter.

Claim 12 is added. Claim 12 is based on original claim 4. No new matter has been added.

Claims 1-12 are pending. No new matter has been added.

II. Rejections under 35 U.S.C. §112

Claims 1-7 were rejected under 35 U.S.C. § 112, second paragraph.

Claims 1 and 8 are amended, and “may” was eliminated.

Claim 4 is amended so “said CCD cameras ” is amended to recite “said CCD camera.”

Applicants respectfully request that the rejection be withdrawn.

III. Rejection under 35 U.S.C. §102

Claims 1-2 and 7-9 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,134,343 to Nichani et al. (herein “Nichani”). Applicants respectfully traverse the above rejections.

Independent claims 1 and 8 are directed to a method of producing a reference image and an apparatus for producing a reference image, respectively. Claims 1 and 8 recite, among other features, samples bottles to produce a reference image contain both non-defective bottles and

defective glass bottles. This element was present in the claims as filed and only the element of “non-defective bottles” was added for clarity.

Accordingly, the present invention produces a reference image which specifies a range of brightness when light is applied to a non-defective glass bottle, even though samples can have both non-defective glass bottles and defective glass bottles. Thus, defective glass bottles do not have to be gotten rid of from sample bottles in advance.

In contrast, Nichani describes the image processing which has training and inspection. During training, the template (“reference”) image is constructed by sampling a plurality of images each of which represents a scene of an item absent defects (See, Nichani column 2, lines 46-48). Nichani uses only images of non-defective glass bottles for samples. Nichani does not disclose samples bottles to produce a reference image that can contain both non-defective bottles and defective glass bottles. Thus, the present invention recited in claim 1 and 8 are distinguished over Nichani.

Claims 2, 7 and 9 are dependent on claim 1 or 8, respectively. The present invention recited in claims 1 and 8 is patentable, then the present inventions recited in claims 2, 7 and 9 should be patentable.

Applicants respectfully request that the rejections be withdrawn.

IV. Rejection under 35 U.S.C. §103

Claims 3-6 and 10-11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nichani in view of the Examiner's statement of ordinary skill in the art. Applicants respectfully traverse the rejection.

Claims 3-6 and 10-11 depend on claims 1 and 8, respectively. As argued above Nichani does not teach or suggest including defect bottles to form a template image. Further, one of ordinary skill in the art is only taught to use non-defect bottles and is taught away from using defect bottles. The present invention recited in claims 1 and 8 is patentable, then the present inventions recited in claims 3-6 and 10-11 are also patentable

Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

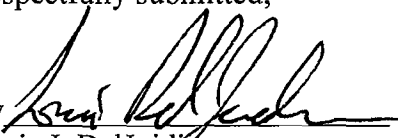
In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

By



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